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September 4, 2013

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**VIA ECF AND FACSIMILE (718) 613-2365**

Hon. Cheryl L. Pollak  
United States Magistrate Judge  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Request Granted.

Conference Adjourned to:

10/17 at 200  
/s/ CHERYL L. POLLAK 9141/3  
United States Magistrate Judge  
SO ORDERED.

**Re: Marin, et al. v. Apple-Metro, Inc. et al  
Index No. 12-cv-05274 (ENV) (CLP)**

Dear Judge Pollak:

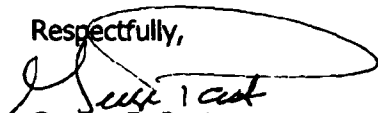
We represent defendants Apple Metro, Inc.; AM NYCF, LLC; 42nd Apple LLC; 117th Apple, LLC; Airmont Apple, LLC; Astoria Apple, LLC; AT Apple, LLC; Bay Plaza Apple, LLC; Bay Terrace Apple, LLC; Bed-Stuy Apple, LLC; Broadway Apple, LLC; BTM Apple, LLC; Cortlandt Apple, LLC; Cross County Apple, LLC; Crossroads Apple, LLC; EB Apple, LLC; Expressway Apple, LLC; Flatbush Apple, LLC; Fordham Apple, LLC; Fresh Meadows Apple, LLC; Harlem Apple, LLC; Hawthorne Apple, LLC; Jamaica Apple, LLC; Kisco Apple, LLC; Mamaroneck Apple, LLC; New Dorp Apple, L.L.C.; New Rochelle Apple, LLC; Outerbridge Apple, LLC; Port Chester Apple, LLC; Queens Center Apple, LLC; Rego Park Apple, LLC; Riverdale Apple, LLC; S.I. Mall Apple, L.L.C.; Sheepshead Apple, LCC; SVC Apple, LLC; Triangle Apple, LLC; White Plains Apple, LLC; Zane Tankel; Roy Raeburn; Aubery Daly; Roland Raymond; Derek Palmer; Susy Quintero; and Christopher Antoine in the above-referenced action.

We write on behalf of the parties to jointly request that: (1) the time for the parties to serve responses to one another's revised discovery requests be extended from September 6, 2013 to and including September 20, 2013; and (2) due to issues with availability towards the end of this month, that the status conference currently scheduled for September 12, 2013 be adjourned to a date no sooner than October 7, 2013. Enclosed please find a Stipulation signed by counsel for both parties concerning this request.

Hon. Cheryl L. Pollak  
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We thank Your Honor for her consideration of our request.

Respectfully,



George B. Pauta

cc: Michael J. Borrelli (via e-mail)  
Daniela E. Nanau (via e-mail)  
Robert W. Ottinger (via e-mail)  
Ariel Y. Graff (via e-mail)

Enclosure

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CARLOS MARIN, KENNY LEBRON, and  
MARTINA HANISCH on behalf of themselves and  
all others similarly situated,

Plaintiffs,

-against-

APPLE METRO, INC., AM NYCF, LLC, 42ND  
APPLE LLC, 117TH APPLE, LLC, AIRMONT  
APPLE, LLC, ASTORIA APPLE, LLC, AT APPLE,  
LLC, BAY PLAZA APPLE, LLC, BAY TERRACE  
APPLE, LLC, BED-STUY APPLE, LLC,  
BROADWAY APPLE, LLC, BTM APPLE, LLC,  
CORTLANDT APPLE, LLC, CROSS COUNTRY  
APPLE, LLC, CROSSROADS APPLE, LLC, EB  
APPLE, LLC, EXPRESSWAY APPLE, LLC,  
FLATBUSH APPLE, LLC, FORDHAM APPLE,  
LLC, FRESH MEADOWS APPLE, LLC, HARLEM  
APPLE, LLC, HAWTHORNE APPLE, LLC,  
JAMAICA APPLE, LLC, KISCO APPLE, LLC,  
MAMARONECK APPLE, LLC, NEW DORP  
APPLE, L.L.C., NEW ROCHELLE APPLE, LLC,  
OUTERBRIDGE APPLE, LLC, PORT CHESTER  
APPLE, LLC, QUEENS CENTER APPLE, LLC,  
REGO PARK APPLE, LLC, RIVERDALE APPLE,  
LLC, S.I. MALL APPLE, LLC, SHEEPSHEAD  
APPLE, LCC, SVC APPLE, LLC, TRIANGLE  
APPLE, LLC, WHITE PLAINS APPLE, LLC,  
ZANE TANKEL, an individual, ROY  
RAEBURN, an individual, KIRK SAMLAL, an  
individual, AUBREY DALY, an individual,  
ROLAND RAYMOND, an individual, DERRICK  
PALMER, an individual, SUSY QUINTERO, an  
individual, and CHRIS ANTOINE, an individual,

Defendants.

Case No.: 12-CV-05274


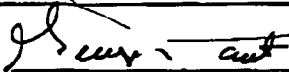
**STIPULATION AND PROPOSED  
ORDER TO ADJOURN DISCOVERY  
DEADLINE AND STATUS  
CONFERENCE**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants through their undersigned counsel, subject to the approval of the Court, that the time for the parties to serve responses to one another's revised discovery requests be extended from September 6, 2013 to and including September 20, 2013; and

IT IS FURTHER STIPULATED AND AGREED, by and between Plaintiffs and Defendants through their undersigned counsel, subject to the approval of the Court, that the status conference currently scheduled for September 12, 2013 be adjourned to a date no sooner than October 7, 2013, which will be set by the Court.

DATED: September 4, 2013

SO STIPULATED:

<p>By:   <b>BORRELLI &amp; ASSOCIATES, P.C.</b></p> <p>Michael J. Borrelli  Daniela Elisabeth Nanau  1010 Northern Blvd.  Ste. 328  Great Neck, NY 11021  (516) 248-5550</p> <p><b>THE OTTINGER FIRM, P.C.</b></p> <p>Robert W. Ottinger  Ariel Yigal Graff  20 West 55th Street  6th Floor  New York, NY 10019  (212) 571-2000</p> <p><i>Attorneys for Plaintiffs</i></p>	<p>By:   <b>LITTLER MENDELSON, P.C.</b></p> <p>Craig R. Benson  George B. Pauta  Robert A. Cirino  900 Third Avenue  New York, NY 10022.3298  (212) 583-9600</p> <p><i>Attorneys for the following Defendants:</i></p> <p>APPLE METRO, INC.; AM NYCF, LLC; 42ND APPLE LLC; 117TH APPLE, LLC; AIRMONT APPLE, LLC; ASTORIA APPLE, LLC; AT APPLE, LLC; BAY PLAZA APPLE, LLC; BAY TERRACE APPLE, LLC; BED-STUY APPLE, LLC; BROADWAY APPLE, LLC; BTM APPLE, LLC; CORTLANDT APPLE, LLC; CROSS COUNTY APPLE, LLC; CROSSROADS APPLE, LLC; EB APPLE, LLC; EXPRESSWAY APPLE, LLC; FLATBUSH APPLE, LLC; FORDHAM APPLE, LLC; FRESH MEADOWS APPLE, LLC; HARLEM APPLE, LLC; HAWTHORNE APPLE, LLC; JAMAICA APPLE, LLC; KISCO APPLE, LLC; MAMARONECK APPLE, LLC; NEW DORP APPLE, L.L.C.; NEW ROCHELLE APPLE, LLC; OUTERBRIDGE APPLE, LLC; PORT CHESTER APPLE, LLC; QUEENS CENTER APPLE, LLC; REGO PARK APPLE, LLC; RIVERDALE APPLE, LLC; S.I. MALL APPLE, L.L.C.; SHEEPSHEAD APPLE, LCC; SVC APPLE, LLC; TRIANGLE APPLE, LLC; WHITE PLAINS APPLE, LLC; ZANE TANKEL; ROY RAEBURN; AUBERY DALY; ROLAND RAYMOND; DEREK PALMER; SUSY QUINTERO; and CHRISTOPHER ANTOINE.</p>
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SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2013

/s/ CHERYL L. POLLAK 9/4/13